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HUMAN RIGHTS COMMITTEE

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT

Comments of the Human Rights Committee

Norway

1. The Committee considered the third periodic report of Norway (CCPR/C/70/Add.2) at its 1270th to 1272nd meetings, held on 21 and 22 October 1993, and adopted 1/ the following comments:

A. Introduction

2. The Committee welcomes the timely submission of the third periodic report of Norway. The report contains detailed information on laws and practices relating to the implementation of the Covenant and is in full conformity with the Committee's guidelines. The Committee appreciates that the State party has envisaged both the report and the dialogue with the Committee as an unbroken continuation of the examination of the initial and second periodic reports. The Committee is also grateful for the oral responses provided by the high-ranking delegation and considers that the dialogue with the State party has been most fruitful and constructive.

3. The Committee thanks the State party for the core document (HRI/CORE/1/Add.6), drawn up in accordance with the consolidated guidelines for the initial part of States party reports to be submitted under the various international human rights instruments (HRI/1991/1).

1/ At its 1282nd meeting (forty-ninth session), on 29 October 1993.

B. Factors and difficulties affecting the implementation of the Covenant

4. The Committee notes the emergence in certain parts of the population of Norway of a trend towards intolerance against foreigners, particularly asylum-seekers and migrant workers.

With this exception, the Committee notes that there are no important difficulties affecting the implementation of the Covenant in Norway.

C. Positive aspects

5. The Committee takes note, with particular appreciation, of the level of achievement in the respect of human rights in Norway. Among the positive developments that have been realized since the consideration of the second periodic report in 1988, the Committee notes, inter alia, the ratification of the Second Optional Protocol to the Covenant on the abolition of the death penalty and the efforts undertaken with regard to the promotion of greater public awareness of the provisions of the Covenant and the Optional Protocols, particularly in the area of human rights education in schools and universities and through the organization of training courses for members of the police and other law enforcement officials. While noting that it is still not possible to appeal against the reversal by the Court of Appeal of an acquittal by a lower jurisdiction, the Committee also appreciates the efforts made towards the withdrawal of Norway's reservation in connection with article 14, paragraph 5, of the Covenant.

6. The Committee notes with satisfaction that independent investigative bodies have been set up to inquire into complaints of offences by members of the police and that their reports have been followed up by a number of prosecutions. It further commends the devolution of responsibility to the Sami Assembly (Sametinget) with regard to matters affecting the life and culture of members of the Sami community and notes with satisfaction that the Sami language may be used in contacts with public bodies and before the courts.

7. With respect to equality and non-discrimination, developments relating to the granting to foreigners of the right to vote in local elections and to hold local office as well as legislative steps relating to the registration of partnership of the same sex are welcomed by the Committee. The continuing improvements in the legal and de facto equality of women and the strengthened measures against domestic violence and sexual abuse of children were also noted with satisfaction.

D. Principal subjects of concern

8. Despite efforts undertaken with regard to the status of the Covenant within domestic law, the Committee regrets that the opportunity has not been taken to fully incorporate the provisions of the Covenant into the Constitution, or otherwise to confer on it a higher status than ordinary legislation.

The Committee also notes that certain obsolete laws still exist in Norway, in particular with regard to penal sanctions against defamation.

9. The Committee expresses its concern over the vagueness of the criterion of "compelling social considerations" under which a foreign national's right to choose his or her place of residence may be restricted and its conformity with article 12 of the Covenant.

10. The Committee emphasizes that article 2 of the Constitution which provides that individuals professing the Evangelical-Lutheran religion are bound to bring up their children in the same faith is in clear contradiction with article 18 of the Covenant.

11. The Committee notes that the authorities have included multicultural issues in education but is concerned that they have approached these issues only by reference to articles 2 and 26 of the Covenant. This gives a narrow interpretation of article 27 of the Covenant relating to the rights of persons belonging to minorities. The Committee has observed, in this regard, that the rights conferred under article 27 of the Covenant on individuals who are members of a minority avail all such individuals on a State party's territory and must not, as enjoined by article 2, paragraph 1, of the Covenant, be restricted to nationals.

E. Suggestions and recommendations

12. The Committee recommends that further measures should be adopted to repeal outdated provisions in the Constitution or in laws relating to the freedom of conscience and religion or the freedom of expression and bring them into line with the provisions of the Covenant.

13. The Committee recommends that a careful study of the recently enacted amendment to the Criminal Procedure Act be undertaken with regard to the scope of article 14, paragraph 5, of the Covenant, with a view to withdrawing the reservation made in that connection.

14. The Committee recommends that the laudable efforts already made in connection with the promotion of greater public awareness of the provisions of the Covenant and the Optional Protocols should be further pursued.